REMARKS

In response to the final Office Action dated February 21, 2008, Applicants submit that all pending claims are patentable for at least the reasons stated below. This response is being submitted as a Preliminary Amendment with a Request for Continued Examination.

Claims 5, 13, 16 and 22 are objected to based on noted informalities. These claims have been amended consistent with the Examiner's recommendations, obviating the objections. These amendments do not add new matter, but merely correct typographical errors.

Claims 15-23 stand rejected under 35 U.S.C. §101 as being "directed to non-statutory subject matter." Applicants respectfully disagree and submit the Examiner's reasoning and legal support is flawed. The Examiner states that "the specification leads to the conclusion that the apparatus of the claimed invention may be implemented in software" and that "software fails to fall into one of the four statutory classes of invention: process, machine, manufacture, or composition of matter." First off, the Examiner overlooks the **exact** language of claim 15 which recites "An apparatus ... comprising ... an event broker ... and an impact server." The event broker 114 of Fig. 1 is described in the specification as a "module that provides for real time event processing." The impact server 100 of Fig. 1 is described as being within the "logic layer." It is recognized by one skilled in the art (as per the standard under 35 U.S.C. §112, ¶1) that a module can be implemented in a processing device and the logic layer can also be a physical processing device. Accordingly, claim 15 (and 16-23) recite limitations that fall within the one of the statutory classes (machine). Hence the rejection is improper. Should the Examiner maintain the present rejection, Applicants request

further clarification as to how such a rejection can be maintained in direct contradiction to the language of the specification and the standard under 35 U.S.C. §112, ¶1

Claims 4-10 and 15-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,470,384 ("O'Brien"). Applicants respectfully disagree and submit this rejection is improper because O'Brien fails to identically disclose all of the claimed limitations.

As understood, O'Brien describes a multi-computer network that includes action sets for performance of various activities, typically security activities, in response to detected network events. Agents 6 generate network events 7 and a manager 25 (aka arbiter 8) maps the network events to actions 32. These actions are then performed by the actors 9. (col. 4, lines 35-39). Network events are generally defined as any type of "state or condition" that can "be monitored and reported to the arbiter 8." (col. 4, lines 39-41). In response to the event notification, the manager "determines the set of actions to which the network event 7 is associated using a stored set of event mappings." (col. 4, line 65 - col. 5, line 2). O'Brien further describes that network includes active security features by scanning agents scanning the network and if security issues are detected, certograms are provided to the manager 25.

Claims 4 and 15 recites the execution of the action tree "in response to the network event, the action tree including instructions based on relationships between enterprise-related data objects, the relationships defined by at least one data impact analysis data structure populated with data accessed from a plurality of data sources throughout the network." O'Brien fails to identically disclose the claimed "action tree" where the action tree includes "instructions based on relationships" as claimed including

the "relationships defined by at least one data impact analysis data structure populated with data accessed from a plurality of data sources through the network."

In the final Office Action, in support of this rejection, the Examiner cites to Col. 4, line 66 - col. 5, line 5 and col. 5, lines 19-24. Applicants respectfully disagree and submit that these passages merely describe the manager 25 accessing the stored set of event mappings (col. 4, line 66 - col. 5, line 5) and the actions of the active security scanner agent 23 to scan the network and notify the manager 25 of any vulnerabilities (col. 5, lines 19-24). These passages do not provide the claimed "relationships" as O'Brien does not generate instructions that are based on relationships defined by at least one data impact analysis data structure populated with data access from a plurality of data sources. Among other definiciencies, O'Brien does not include "data impact analysis data structure" where this "data structure" is "populated with data access from a plurality of data sources." Rather, at best, the manager 25 of O'Brien can, in response to the certograms 30, generate an action set to be taken by a, in this example firewall 17. (col. 6, lines 47-50).

Claims 5-10 and 16-20 depend from claims 4 and 15, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above. Accordingly, Applicants request reconsideration and withdrawal.

Claims 11-14 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over O'Brien in view of U.S. Patent No. 5,708,820 ("Park"). Claims Claims 11-14 and 21-23 depend from claims 4 and 15, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same

reasons stated above. Accordingly, Accordingly, Applicants request reconsideration and withdrawal.
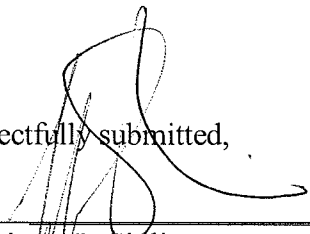
For these reasons, the applicants respectfully request that the Examiner withdraw the rejections as they might be applied to the claims as pending following entry of this amendment and allow the claims. To expedite prosecution of this application to allowance, the Examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-4026 if required in the submission of this Amendment.

Respectfully submitted,

Dated: _May 21, 2008_

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